

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9492 of 2021

Arising Out of PS. Case No.-230 Year-2020 Thana- KONCH District- Gaya

1. Ramakant Yadav Son of Gaya Yadav Resident of Village - Alpa, P.S.- Konch, District - Gaya.
2. Chotu Yadav Son of Gaya Yadav Resident of Village - Alpa, P.S.- Konch, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Adv.
For the Opposite Party/s	:	Mr. Sushil Kumar Jha, for Informant
	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-09-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Konch P.S. Case No. 230 of 2020 registered for the offence punishable under Sections 147, 149, 341, 323, 302, 504/34 of the Indian Penal Code.

Allegation against the petitioners is that due to an ongoing land dispute petitioners along with other co-accused persons assaulted father of the informant by means of *lathi* causing injury



to him as a result of which he died during the course of his treatment. It is alleged that the accused persons also assaulted his brother and mother who came to rescue his father.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case and have not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He submits that informant and the petitioners are belong to same very family having land dispute between the parties due to which petitioners are falsely implicated in the present case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners have no criminal antecedent as has been mentioned in para 3 of this bail application and they are languishing in custody since 12.08.2020.

Learned APP for the State vehemently opposing the bail petition submits that there is direct and specific allegation against both the petitioners, they assaulted on the head of the deceased and caused his death, which is supported by the *post mortem* report and the witnesses of the case diary also supported the prosecution.

In the facts and circumstances of the case, I am not inclined to grant privilege of bail to the petitioners in connection with Konch P.S. Case No 230 of 2020 to the satisfaction of A.C.J.M. -III, Gaya.

Accordingly, prayer for bail of the petitioners is hereby



rejected.

However, liberty is given to the petitioners to renew his
prayer for bail **after framing of charge.**

(Anjani Kumar Sharan, J)

GAURAV S./-

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